

ZONING CHANGE REVIEW SHEET

CASE: C814-2008-0136.01

(North Austin Medical Centre Planned Unit Development Amendment #1)

Z.A.P. DATE: July 19, 2011

August 2, 2011

August 16, 2011

September 6, 2011

September 20, 2011

ADDRESS: 12221 North Mo-Pac Expressway Northbound
2311-2511 Park Bend Drive

OWNER/APPLICANT: St. David's Healthcare Partnership L.P., LLP (Malcolm Bellsie)

AGENT: City of Austin-Parks and Recreation Department (Chris Yanez),
Coats Rose Yale Ryman & Lee, P.C. (John M. Joseph)

ZONING FROM: PUD

TO: PUD

AREA: 63.68 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant the 1st amendment of the North Austin Medical Centre PUD, to allow the owner of the property the option to either provide eight parking spaces on the Park Bend site for use of the bike trail or to dedicate parkland to the City of Austin.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

7/19/11: Postponed to August 2, 2011 at the applicant's request (6-0); G. Bourgeois-1st,
D. Tiemann-2nd.

8/02/11: Postponed to August 16, 2011 at the staff's request (6-0, C. Banks-absent); P. Seager-1st,
D. Tiemann-2nd.

8/16/11: Postponed to September 6, 2011 at the staff's request (6-0, G. Rojas-absent);
S. Baldrige-1st, G. Bourgeois-2nd.

9/06/11: Postponed to September 20, 2011 at the staff's request (5-0, S. Baldrige-absent);
P. Seager-1st, G. Rojas-2nd.

9/20/11: Pending

DEPARTMENT COMMENTS:

The North Austin Medical Centre Planned Unit Development (PUD) consists of a 63.69 acre site fronting North Mo-Pac Expressway at the corner of Park Bend Drive and Cedar Bend Drive. The site consists of two tracts separated by Park Bend Drive. The north tract is presently developed with a 664,360 square foot hospital and a 284,726 square foot medical office and is located on 37.74 acres, and the south tract is an undeveloped 25.95 acre site. The surrounding area is developed with automotive sales and medical office building to the north, undeveloped property and medical offices to the east and Walnut Creek Park to the south.

The applicant is requesting an amendment to Ordinance No. 20100624-109 for the North Austin Medical Center PUD to change Part 4.I.2. to state that, "The owner of the property shall have the option at the owner's sole and absolute discretion, prior to the approval of the first site plan, to 1) Provide eight parking spaces on the Park Bend site for use of the bike trail or to 2) the tracts as generally depicted in Exhibit C (the "Donation Tracts") shall be dedicated to the City for use of the bike trail. If this donation is made, 7,458 square feet of the Park Bend site's impervious cover shall be allocated to the "Donation Tracts" and the remaining 443,040 square feet of impervious cover shall be allocated to the remainder of the Park Bend site. (Please see Request Letter – Attachment A).

The staff recommends the 1st amendment of the North Austin Medical Centre PUD because the City of Austin Parks and Recreation Department (PARD) would like the applicant to have the option to either provide the required parking spaces or to dedicate tracts of land that will act as a destination point for a trail head and will provide a critical connection for trail construction. This proposed option would be subject to the terms and conditions as stated in the Principal Terms of Donation Agreement as stated in Exhibit "D" (Please see Exhibit "D"- Attachment B).

The applicant agrees with the staff's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	PUD	St. David's North Austin Medical Center
<i>North</i>	GR, LR-CO, GO-CO	Automotive Sales, Undeveloped Tract, and Medical Office
<i>South</i>	P	Undeveloped
<i>East</i>	GO, GO-MU-CO, P	Medical Office
<i>West</i>	-----	N. Mo-Pac Expressway Service Rd. Northbound

AREA STUDY: N/A

TIA: Waived

WATERSHED: Walnut Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

REGISTERED NEIGHBORHOOD AND COMMUNITY ORGANIZATIONS:

Austin Independent School District
Austin Monorail Project
Austin Neighborhoods Council
Austin Northwest Association
Austin Parks Foundation
Gracywoods Neighborhood Association
Home Builders Association of Greater Austin
Homeless Neighborhood Association
League of Bicycling Voters
North Burnet/Gateway Neighborhood Planning Contact Team
North Burnet/Gateway Neighborhood Plan Staff
North Growth Corridor Alliance
Northstar Neighborhood Association
League of Bicycling Voters

Sierra Club, Austin Regional Group
 Super Duper Neighborhood Objectors and Appeals Organization
 The Real Estate Council of Austin, Inc.
 Walnut Creek Neighborhood Association

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C814-2008-0136.01 (North Austin Med Center PUD: 12221 North Mo-Pac Expressway Northbound, 2311-2511 Park Bend Drive)	GR, GR-CO, GO, LO to PUD	3/16/10: Approved staff's recommendation for PUD district zoning with a height limit of 120-feet (5-0; B. Baker and D. Tiemann-absent; P. Seeger-1 st , C. Banks-2 nd .	4/22/10: Approved PUD zoning by consent (7-0); R. Shade-1 st , B. Spelman-2 nd on 1 st reading 6/24/10:
C14-2007-0047 (Child Development Center: 2300 Cedar Bend Drive)	SF-3 to GO	5/15/07: Approved staff rec. of GO-CO (9-0)	6/08/07: Approved Ordinance No. 20070607-083 for GO-CO (7-0); all 3 readings
C14-07-0015 (Village at Walnut Creek Ph 2, Sec 15: 2217 Park Bend Dr.)	MF-2-CO to GO-MU-CO	4/3/07: Approved staff rec. of GO-MU-CO (6-0-1, JG-abstain)	5/3/07: Approved Ordinance No. 20070503-060 for GO-MU-CO (7-0); all 3 readings
C14-06-0092 12201-12301 Block of Tomanet Trl. at Cedar Bend Dr.	LO-CO to GO-CO	8/1/2006: Approved GO-CO w/conditions (6-1, JP-NO) – No TIA required.	8/10/2006: Approved GO-CO (7-0); all 3 readings
C14-03-0110 (Post Oak Centre North: 2200 Park Bend Dr)	GO-MU-CO to GO-MU-CO	9/23/03: Approved staff rec. of GO-MU-CO by consent (9-0) – the request deleted the 2000 vehicle trips & changed the ht limit from 3 stories or 40 ft. to a max ht of 60 ft	10/23/03: Approved GO-MU-CO (6-0); all 3 readings
C14-01-0086 (Park Bend Medical Professional Offices: 2200 Park Bend Dr.)	GO-MU-CO to GO-MU-CO	7/24/01: Approved staff rec. of GO-MU-CO (5-0), w/conditions of 10' vegetative buffer on north property line – The request deleted the 15 units per acre requirement from case C14-98-0136 and added a buffer of 10 ft along the northern property line. In addition it allowed lodging house, administrative business office and professional office,	8/28/01: Approved GO-MU-CO w/conditions (6-0); all 3 readings

		which had been prohibited previously.	
C14-98-0136 (2200 Park Bend Drive)	MF-2-CO to GO-MU-CO	9/22/98: Approved staff rec. of GO-MU-CO with conditions (8-0): 1) Limit impervious cover to less than 65%; 2) Limit height to 40' or 3 stories – The CO also restricts the property to 15 units per acre, limits vehicle trips to 2000 per day and several uses were prohibited.	12/10/98: Approved PC rec. of GO-MU-CO zoning w/conditions (7-0); all 3 readings
C14-96-0114 (Austin Diagnostic Clinic: 12302 Tomanet Trail)	LR-CO to LR-CO	10/22/96: Approved staff rec. of LR-CO (9-0). The request deleted a condition from C14-94-0173, to limit vehicle trips to 870 per day. All other conditions remain.	11/21/96: Approved LR-CO subject to conditions (6-0); all 3 readings

RELATED CASES: C814-2008-0136 (North Austin Med Center PUD)

ABUTTING ROADWAYS:

<u>Name</u>	<u>ROW</u>	<u>Pavement</u>	<u>Classification</u>	<u>ADT</u>
Mopac/Loop 1	400'	MAD-6	Freeway	130,000
Park Bend Drive	70'	44'	Collector Street	8,800
Cedar Bend Drive	70'	44'	Collector Street	6,200
Renfert Way	70'	44'	Collector Street	5,000
Tomanet Trail	60'	40'	Collector Street	3,000

CITY COUNCIL DATE: August 4, 2011

ACTION: Postponed to August 25, 2011 by the staff (7-0); S. Cole-1st, B. Spelman-2nd.

August 25, 2011

ACTION: Postponed to September 22, 2011 at the staff's request (7-0), B. Spelman-1st, L. Morrison-2nd.

September 22, 2011

ACTION:

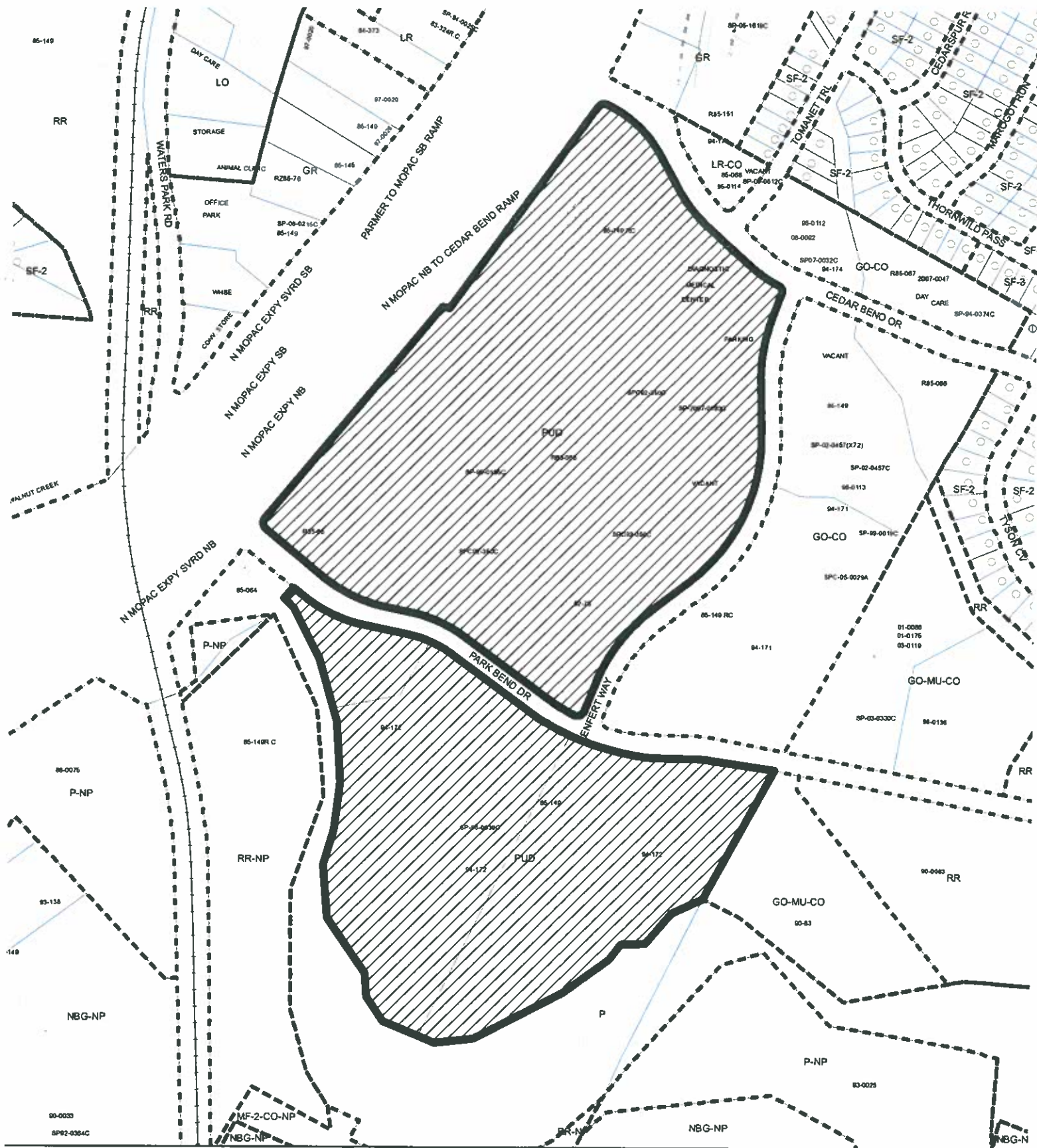
ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

PHONE: 974-3057

E-MAIL: sherri.sirwaitis@ci.austin.tx.us



PLANNED UNIT DEVELOPMENT

ZONING CASE#: C814-2008-0136.01

LOCATION: 12221 N MOPAC EXPY NB
2311-2511 PARK BEND DRIVE

SUBJECT AREA: 63.68 ACRES

GRID: K34, L34

MANAGER: SHERRI SIRWAITIS

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.







STAFF RECOMMENDATION

The staff's recommendation is to grant the 1st amendment of the North Austin Medical Centre PUD, to allow the owner of the property the option to either provide eight parking spaces on the Park Bend site for use of the bike trail or to dedicate parkland to the City of Austin.

BASIS FOR RECOMMENDATION

1. *Use of a PUD District should result in development superior to that which would occur using conventional zoning and subdivision regulations.*

The 1st amendment to the North Austin Medical Center PUD will provide options to maintain a superior development than that which could have occurred using conventional zoning and subdivision regulations.

2. *The Proposed Enhances Preservation of Natural Resources.*

The proposed PUD amendment would permit the applicant to either provide additional parking for park patrons or to dedicate three tracts of land to PARD that will act as a destination point for a trail head and will provide a critical connection for trail construction.

EXISTING CONDITIONS

Site Characteristics

The subject rezoning area consists of a 63.69-acre site fronting North Mo-Pac Expressway at the corner of Park Bend Drive and Cedar Bend Drive. The site consists of two tracts. The north tract is presently developed with a 664,360 square foot hospital and a 284,726 square foot medical office and is located on 37.74 acres, and the south tract is an undeveloped 25.95 acre site. The north tract is relatively flat with landscaped trees surrounding the hospital and medical office. The undeveloped south tract slopes to the west and south. The front portion of the tract is lightly vegetated and the tract becomes more heavily vegetated towards the rear.

Environmental

Exhibit D (principal terms of donation agreement) references Exhibit C-1. Please provide a copy of Exhibit C-1 for review. Additional comments may be pending. - Comments cleared as the Environmental staff reviewed Exhibits C-1, C-2, and C-3 for the "Donation Tracts".

Exhibit D item 2(c) indicates that the impervious cover percentages of the portion of the premises remaining after the donation tracts are conveyed will be increased proportionately so that St. David's will have the same amount of impervious cover and square footage of building entitlements on the remaining portion of the premises as it did before the donation tracts were conveyed. - Comments cleared.

For the purpose of quantifying the proposed increase in impervious cover percentage on the remaining portion of the premises, please provide the following information:

- (1) the total acreage of uplands within the proposed donation tract(s);
- (2) the total acreage of CWQZ within the proposed donation tract(s);

- (3) the total acreage of WQTZ within the proposed donation tract(s);
- (4) the total acreage (prior to the conveyance) of uplands within tract 1;
- (5) the total acreage (prior to the conveyance) of CWQZ within tract 1;
- (6) the total acreage (prior to the conveyance) of WQTZ within tract 1;
- (7) the total acreage (prior to the conveyance) of uplands within tract 2;
- (8) the total acreage (prior to the conveyance) of CWQZ within tract 2; and
- (9) the total acreage (prior to the conveyance) of WQTZ within tract 2.

Additional comments may be pending.

Parks and Recreation

No comments.

Site Plan / Compatibility Standards

This area was proposed to have a trail head with 8 parking spaces and appears to have been used to demonstrate superior development to the meet the previous PUD criteria. Please clarify the Exhibit D regarding the “donation” tracts will convey and determine under section (b) how will the floor to area of the portion will be determined? and (c) the “remaining” impervious coverage and square footage of building entitlement. How much impervious coverage will the parking lot require? – Comments cleared: The parking lot was allocated 7,458 square feet of impervious cover, which shall remain with the “Donation Tracts”. The remainder of the Park Bend site will have 443,040 square feet of impervious cover if the applicant opts to dedicate the “Donation Tracts” to the City of Austin.

This will need to amend Page 2 of the PUD Land Use Plan to show the “allocation” or “transfer” of these entitlements.

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

Transportation

The Transportation Review Section has no objections to the requested PUD amendment.

No additional right-of-way is needed at this time.

The traffic impact analysis (TIA) for this site was waived because a TIA was previously submitted with the original PUD zoning case. If the requested PUD amendment is granted, development should be limited in accordance with the original TIA. [LDC, 25-6-117].

Park Bend Drive is classified in the Bicycle Plan as Bike Route No. 120. Mopac/Loop 1 is classified as Bike Route No. 434.

Capital Metro bus service (Routes No. 240 and No. 174) is available along Mopac, Cedar Bend Drive, and Tomanet Trail.

There are existing sidewalks along Mopac, Park Bend Drive, Renfert Way, Cedar Bend Drive, and Tomanet Trail.

Existing Street Characteristics:

<u>Name</u>	<u>ROW</u>	<u>Pavement</u>	<u>Classification</u>	<u>ADT</u>
Mopac/Loop 1	400'	MAD-6	Freeway	130,000
Park Bend Drive	70'	44'	Collector Street	8,800
Cedar Bend Drive	70'	44'	Collector Street	6,200
Renfert Way	70'	44'	Collector Street	5,000
Tomanet Trail	60'	40'	Collector Street	3,000

Water and Wastewater

Comments released



City of Austin

Parks and Recreation Department

200 South Lamar Blvd., Austin, Texas 78704-1099

Attachment A

May 5, 2011

Sherri Sirwaitis

Planning & Development Review Department

505 Barton Springs Rd. Austin, TX 78753

RE: Amendment to North Austin Medical Center Planned Unit Development (PUD)
C814-2008-0136

Dear Mrs. Sirwaitis:

The following correspondence is intended to provide information on the proposed amendment to the approved North Austin Medical Center PUD ordinance.

The Parks and Recreation Department (PARC) entered into a grant with the Texas Department of Transportation for what is called the Northern Walnut Creek Trail Phase-1 project for \$1.9 million dollars. PARC is funded to build 3.2 miles of the Northern Walnut Creek Trail between Balcones District Park and Walnut Creek Metropolitan Park in North Austin. The Northern Walnut Creek Trail will connect a major employer (St. David's Hospital) and Austin Community College (Northridge Campus) to numerous neighborhoods in the area. The trail will be a 10' wide concrete path that will serve pedestrians and bicycle uses.

During the negotiations between PARC, the Office of Real Estate and St. David's for a Temporary Right of Entry (TRE) for trail construction, an agreement was discussed concerning a possible St. David's land donation for two critical areas for the trail project. The two tracts being offered as a donation can provide a destination point for a trail head and parking, a critical connection for trail construction (currently two bridges crossing Walnut Creek are proposed to be built in this area) and facilitate ongoing maintenance of the trail. There are terms and conditions as stated in the TRE under Exhibit D, which is attached. The extent of the amendment would be to include language for this donation to Part 4, Section I-2 as an alternative to providing 8 parking spaces.

The opportunity for PARC to amend the PUD zoning ordinance to include the potential donation of land will create a win-win situation for both St. David's and the City of Austin. Therefore, PARC is requesting with the permission of St. David's, this amendment to the PUD. If you have any further questions please contact me at 512-974-9455 or at chris.yanez@ci.austin.tx.us.

Sincerely,

Chris Yanez, Principal Planner
Parks and Recreation Department

CC: Sara Hensley

SCANNED

ORDINANCE NO. 20100624-109

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY COMMONLY KNOWN AS THE NORTH AUSTIN MEDICAL CENTER PUD LOCATED AT 12221 MOPAC EXPRESSWAY NORTHBOUND AND 2311-2511 PARK BEND DRIVE FROM LIMITED OFFICE (LO) DISTRICT, GENERAL OFFICE (GO) DISTRICT, COMMUNITY COMMERCIAL (GR) DISTRICT AND COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base districts on the property described in Zoning Case No. C814-2008-0136, on file at the Planning and Development Review Department, as follows:

Tract One (Main Campus): From general office (GO) district and community commercial (GR) district to planned unit development (PUD) district.

Lot 1, Block B, Resubdivision of the Centrum Subdivision Block B and Block E, a subdivision in the City of Austin, Travis County, Texas, according to map or plat of record in Volume 91, Page 197, of the Plat Records of Travis County, Texas; and

Tract Two (Park Bend): From limited office (LO) district, general office (GO) district and community commercial-conditional overlay (GR-CO) combining district to planned unit development (PUD) district.

Lots 1, 2, and 3, Block A, The Centrum Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to map or plat of record in Volume 86, Page 115B-D, of the Plat Records of Travis County, Texas,

locally known as 12221 North Mopac Expressway Northbound and 2311-2511 Park Bend Drive ("the Property"), in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

PART 2. This ordinance and the attached Exhibits A and B are the land use plan for the North Austin Medical Center planned unit development district (the "PUD") created by this ordinance. Development of and uses within the PUD shall conform to the limitations and conditions set forth in this ordinance and in the land use plan attached as Exhibit B (the "Land Use Plan"). If this ordinance and the attached exhibits conflict, this ordinance controls. Except as provided by this ordinance or by Section 245.004 of the Local Government Code, development within the PUD is subject to the ordinances, regulations, and rules in effect on the effective date of this ordinance.

In accordance with Part 3 of Ordinance No. 20080618-098, the PUD is subject to the standards in effect on June 18, 2008.

PART 3. The attached exhibits are incorporated into this ordinance in their entirety as though set forth fully in the text of this ordinance. The exhibits are as follows:

- Exhibit A: Zoning Map
- Exhibit B: Land Use Plan

PART 4. In accordance with the regulations in the City Code for a PUD, the following regulations either do not apply to the PUD or apply to the PUD instead of otherwise applicable City regulations.

- A. Section 25-2-243 (*Proposed District Boundaries Must Be Contiguous*) of the City Code does not apply to the PUD.
- B. The definition of "site" in Section 25-1-21 (*Definitions*) of the City Code is modified to provide that the land in the PUD is a single site for development purposes so that the site includes areas separated by public streets or other right-of-way.
- C. Except as set forth in this Part, the Property is subject to general commercial services (CS) uses and site development regulations.
- D. The CS site development regulations are shown on the Site Data Table on the Land Use Plan and include, among other regulations, the following:
 - 1. the maximum impervious cover is 78 percent for the Main Campus and 80 percent for the Park Bend site.
 - 2. The floor-to-area ratio is 3.0 to 1.0 over the entire site.

E. Uses.

1. The following uses are the only permitted principal uses of the PUD:

Medical offices (not exceeding 5000 sq. ft. of gross floor area)
Medical offices (exceeding 5000 sq. ft. of gross floor area)
Hospital services (general)
Hospital services (limited)
Parks & recreation services (general)
Community recreation (public)

2. The following uses are accessory uses to the principal uses and shall comply with the requirements of Section 25-2-894 (*Accessory Uses For A Principal Commercial Use*). These accessory uses include but are not limited to:

Administrative and business offices	Building maintenance services
Business support services	Commercial blood plasma center
Commercial off-street parking	Food sales
General retail sales (convenience)	Hotel-motel
Indoor entertainment	Laundry services
Off-site accessory parking	Personal improvement services
Personal services	Professional office
Recreational equipment maintenance and storage	Research services
Research warehousing services	Research testing services
Campground	Restaurant (limited)
College and university facilities	Club or lodge
Community recreation (public)	Community events
Counseling services	Convalescent services
Employee recreation	Daycare services (general)
Residential treatment	Guidance services
Telecommunications tower	Safety services

3. A new or relocated facility for helicopters and other nonfixed wing aircraft must comply with Section 25-2-861 (*Facilities for Helicopters and Other Nonfixed Wing Aircraft*).

F. All new development in the PUD shall comply with the requirements of the Austin Energy Green Building Program (GBP) rating system for a minimum two-star rating.

G. Water Quality Standards.

1. A water quality pond shall be designed, constructed, by the property owner, on the Park Bend site in accordance with all applicable City of Austin requirements with:

- a) a minimum drainage area of 21.55 acres for the wet pond;
- b) a surface area of the permanent pool of 42,637 square feet;
- c) a minimum of 4.5 acres of vegetative filter strips to treat the drainage area of the wet pond; and,
- d) incorporation of water quality best management practices (BMP).

2. The maintenance of the water quality pond shall be by the property owner(s).

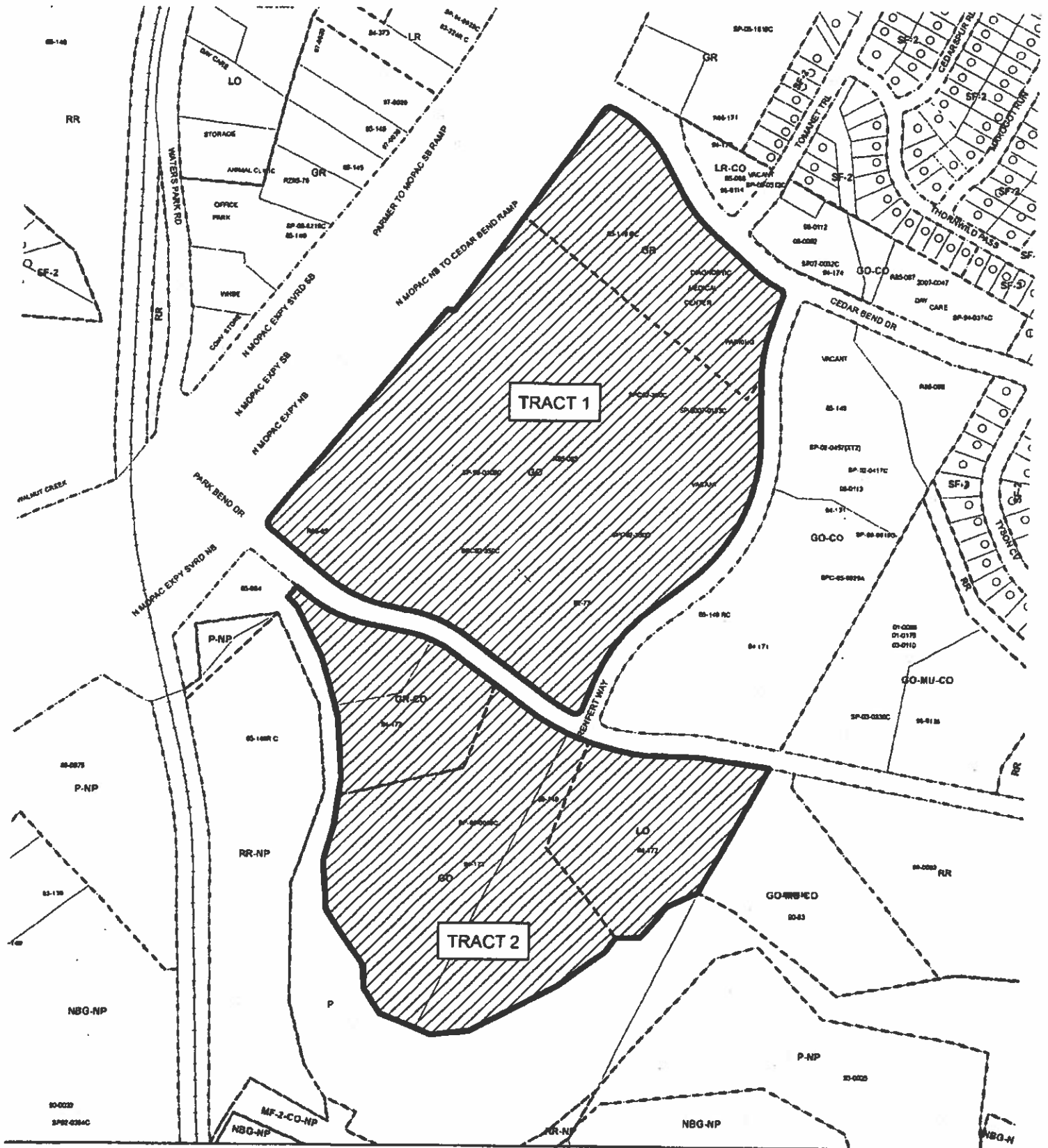
H. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds the total traffic generation for the Property as specified in that certain Traffic Impact Analysis ("TIA") prepared by S&B Infrastructure, Ltd., dated October 2009, or as amended and approved by the Director of the Planning and Development Review Department. All development on the Property is subject to the recommendations contained in the memorandum from the Transportation Review Section of the Planning and Development Review Department, dated March 10, 2010. The TIA shall be kept on file at the Planning and Development Review Department.

I. Walnut Creek Bike Trail.

1. Prior to approval of the first site plan, dedication of an easement shall be finalized for access to the trailhead of the proposed Walnut Creek Bike Trail located in an area near the Park Bend site.

2. Prior to approval of the first site plan, eight parking spaces shall be provided on the Park Bend site for use of the bike trail.

★
To be
amended



ZONING EXHIBIT A

- SUBJECT TRACT
- ZONING BOUNDARY
- PENDING CASE

OPERATOR: S. MEEKS

ZONING CASE#: C814-2008-0136
 ADDRESS: 12221 N MOPAC EXPY NB;
 2311, 2411 & 2511 PARK BEND DR
 SUBJECT AREA: 63.68 ACRES
 GRID: K34 & L34
 MANAGER: J. HARDEN



1" = 400'

This map has been produced by G.I.S. Services for the sole purpose of geographic reference.
 No warranty is made by the City of Austin regarding specific accuracy or completeness.

EXHIBIT D**Principal Terms of Donation Agreement**

1. The due diligence period under the Donation Agreement (the "**Inspection Period**") will be coterminous with the Access Period under the Temporary Right of Entry.
2. During the Inspection Period, the City will initiate and diligently pursue an amendment (the "**PUD Amendment**") to the North Austin Medical Center PUD found in City of Austin Ordinance No. 20100624-109 (the "**PUD Ordinance**") at no cost to St. David's. The PUD Amendment will provide that (a) the conveyance of the Donation Tracts to the City will satisfy and stand in lieu of St. David's obligation under Part 4, Paragraph 1.2. of the PUD Ordinance to construct 8 parking spaces for the City, (b) the floor-to-area ratio of the portion of the Premises remaining after the Donation Tracts are conveyed will remain the same as existed prior to the conveyance of the Donation Tracts, and (c) the impervious cover percentages of the portion of the Premises remaining after the Donation Tracts are conveyed will be increased proportionately so that St. David's will have the same amount of impervious cover and square footage of building entitlements on the remaining portion of the Premises as it did before the Donation Tracts were conveyed.
3. If the City and St. David's determine after reasonable, good-faith discussions that the legal lot status of the portion of the Premises remaining after the Donation Tracts are conveyed will be affected by the conveyance of the Donation Tracts, then, during the Inspection Period, the City will initiate and diligently pursue the subdivision of the remaining portion of the St. David's Tract into a single, legal lot at no cost to St. David's (the "**Resubdivision**").
4. During the Inspection Period, the City and St. David's will cooperate in good faith to negotiate and finalize at no cost to St. David's (a) a stormwater drainage easement agreement (the "**Drainage Easement**") to replace that certain City of Austin License Agreement dated August 21, 1996 between the City and Austin Diagnostic Clinic, P.A., recorded at Volume 12761, Page 163 of the Real Property Records of Travis County, Texas, and (b) a joint access agreement that will (i) provide for joint access for the City and St. David's over any access drive connecting the Donation Tract described on Exhibit C-1 and the remainder of the property owned by St. David's to Park Bend Drive, and (ii) require that any such access drive be aligned with the existing access drive located on the property owned by St. David's located immediately north of the Donation Tract described on Exhibit C-1 (the "**Joint Access Agreement**").
5. The deed conveying the Donation Tracts from St. David's to the City will contain a restriction limiting the use of the Donation Tract described on Exhibit C-2 to emergency and maintenance uses only.
6. The City and St. David's will each be required to close on the Donation Agreement unless the Austin City Council fails to approve the Donation Agreement, the PUD Amendment, the Resubdivision (if applicable), the Drainage Easement and the Joint Access Agreement or the parties cannot come to an agreement on the terms of any of the Donation Agreement, the PUD Amendment, the Resubdivision (if applicable), the Drainage Easement or the Joint Access Agreement, and provided that each party has delivered all documents and instruments required for closing to occur.

"Donation Tracts"

EXHIBIT C-1

Description of Western Donation Tract

HOLT CARSON, INC.

PROFESSIONAL LAND SURVEYORS

1904 FORTVIEW ROAD

AUSTIN, TEXAS 78704

TELEPHONE: (512) 442-0990

FACSIMILE: (512) 442-1084

www.hciaustin.com

TRACT ONE

FIELD NOTE DESCRIPTION OF 0.792 ACRE OF LAND, BEING A PORTION OF LOT 1 AND LOT 2, BLOCK A, THE CENTRUM, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 86 PAGES 115A-115D OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at ½" iron rod found in the Southwesterly right-of-way line of Park Bend Drive for the most Northerly corner of Lot 1 and an Easterly angle corner of Lot 4, of Block A, The Centrum, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 86 Pages 115A-115D of the Plat Records of Travis County, Texas, and being the most Northerly corner and **PLACE OF BEGINNING** of the herein described tract;

THENCE with the Southwesterly right-of-way line of Park Bend Drive and the Northeasterly line of said Lot 1, the following three (3) courses;

- 1) S 48 deg. 50' 20" E 43.51 ft. to a ½" iron rod found for a point of curvature;
- 2) along a curve to the left with a radius of 435.00 ft. for an arc length of 210.14 ft. and which chord bears S 63 deg. 05' 35" E 208.10 ft. to a ½" iron rod found for a point of tangency;
- 3) S 77 deg. 00' 18" E 40.25 ft. to a ½" iron rod set with a plastic cap imprinted with "Holt Carson, Inc." for the Northeasterly corner of this tract;

THENCE leaving the Southwesterly right-of-way line of Park Bend Drive and crossing the interior of Lot 1 and entering the interior of Lot 2, of Block A, The Centrum, with the Easterly line of this tract, S 19 deg. 08' 41" W 302.11 ft. to a ½" iron rod set with a plastic cap imprinted with "Holt Carson, Inc." for the most Southerly corner of this tract; and from which an additional ½" iron rod set with a plastic cap imprinted with "Holt Carson, Inc." bears S 02 deg. 28' 10" E 199.44 ft.;

THENCE continuing across the interior of Lot 2 and re-crossing the interior of Lot 1, of Block A, The Centrum, with the Southwesterly line of this tract and being a line thirty feet (30') from and parallel with the Southwest line of said Lot 1, Block A, The Centrum, the following three (3) courses;

- 1) N 15 deg. 17' 21" W 212.23 ft. to a ½" iron rod set with a plastic cap imprinted with "Holt Carson, Inc.";
- 2) N 24 deg. 59' 59" W 181.94 ft. to a ½" iron rod set with a plastic cap imprinted with "Holt Carson, Inc."
- 3) N 43 deg. 06' 53" W 50.83 ft. to a ½" iron rod set with a plastic cap imprinted with "Holt Carson, Inc." in the common line of Lot 1 and Lot 4, of Block A, The Centrum for an angle corner of this tract;

THENCE with the common line of said Lot 1 and Lot 4, N 40 deg. 50' 16" E 13.93 ft. to the **PLACE OF BEGINNING**, containing 0.792 acre of land.

SURVEYED: March 24, 2011



Holt Carson

Registered Professional Land Surveyor No. 5166

see accompanying map: B 871020



TRACT ONE:
37,773 SQUARE FEET OF LAND OUT OF LOT 1 AND
LOT 2, BLOCK A, THE CENTRUM, A SUBDIVISION
IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE
MAP OR PLAT THEREOF RECORDED IN VOLUME 88
PAGES 118A-118D OF THE PLAT RECORDS OF
TRAVIS COUNTY, TEXAS.

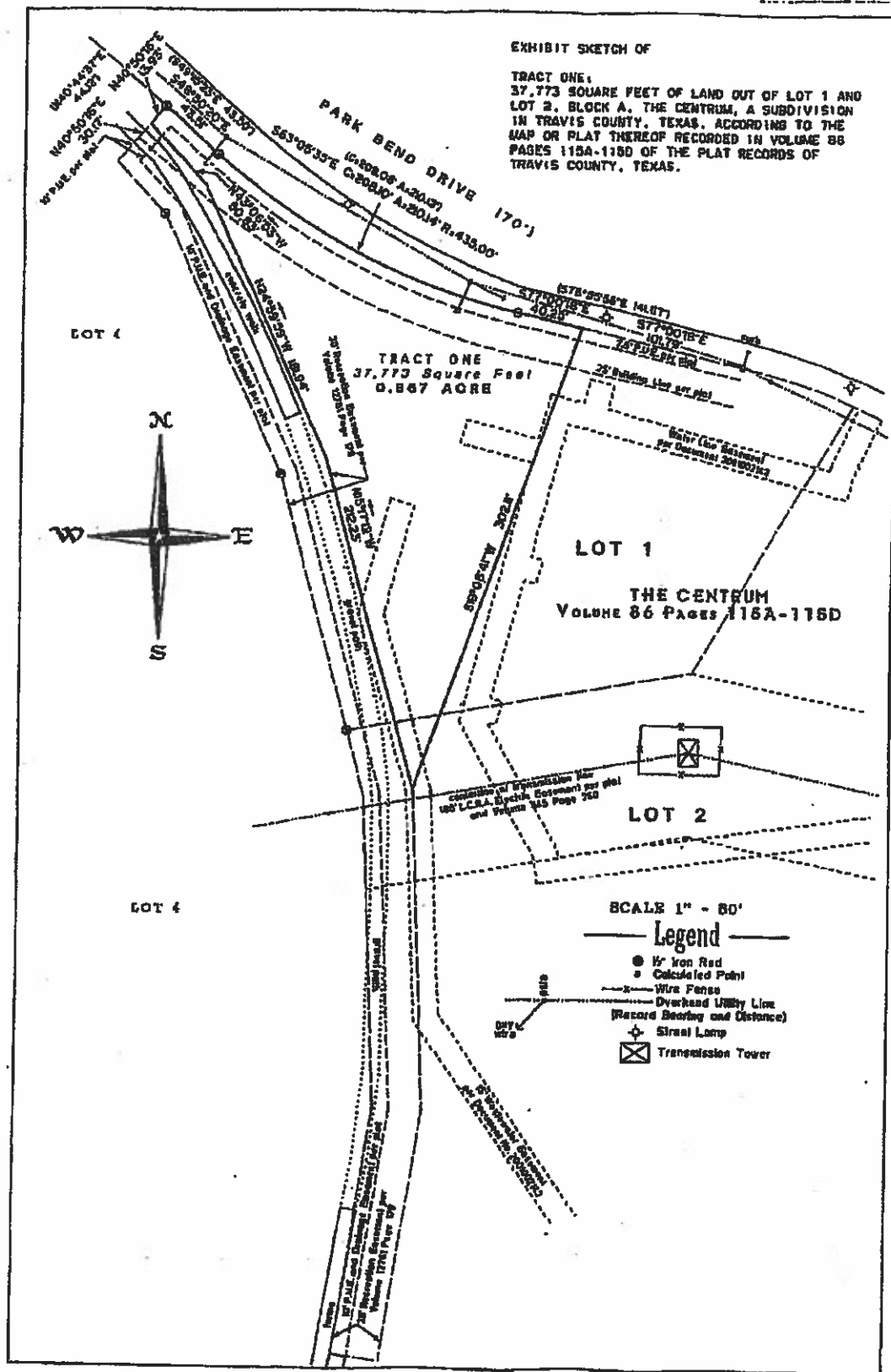


EXHIBIT C-2

Description of Eastern Donation Tract

HOLT CARSON, INC.

PROFESSIONAL LAND SURVEYORS

1904 FORTVIEW ROAD

AUSTIN, TEXAS 78704

TELEPHONE: (512) 442-0990

FACSIMILE: (512) 442-1084

www.hciaustin.com

TRACT TWO

FIELD NOTE DESCRIPTION OF 0.540 ACRE OF LAND, BEING A PORTION OF LOT 1 AND LOT 2, BLOCK A, THE CENTRUM, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 86 PAGES 115A-115D OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR REFERENCE at ½" iron rod found in the Southwesterly right-of-way line of Park Bend Drive for the most Northerly corner of Lot 1 and an Easterly angle corner of Lot 4, of Block A, The Centrum, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 86 Pages 115A-115D of the Plat Records of Travis County, Texas, and from which a ½" iron rod found for a point of curvature in the Southwesterly right-of-way line of Park Bend Drive and in the Northeasterly line of said Lot 1 bears S 48 deg. 50' 20" E 43.51 ft.;

THENCE leaving the Southwesterly right-of-way line of Park Bend Drive with the common line of said Lot 1 and Lot 4, Block A, The Centrum, S 40 deg. 50' 16" W 13.93 ft. to a ½" iron rod set with a plastic cap imprinted with "Holt Carson, Inc." for the most Northerly corner and **PLACE OF BEGINNING** of the herein described tract;

THENCE crossing the interior of Lot 1 and entering the interior of Lot 2, of Block A, The Centrum with the Easterly line of this tract being a line thirty feet (30') from and parallel with the common line of said Lot 1 and Lot 4, the following five (5) courses;

- 1) S 43 deg. 06' 53" E 50.83 ft. to a ½" iron rod set with a plastic cap imprinted with "Holt Carson, Inc.";
- 2) S 24 deg. 59' 59" E 181.94 ft. to a ½" iron rod set with a plastic cap imprinted with "Holt Carson, Inc.";
- 3) S 15 deg. 17' 12" E 212.23 ft. to a ½" iron rod set with a plastic cap imprinted with "Holt Carson, Inc.";
- 3) S 02 deg. 28' 10" E 199.44 ft. to a ½" iron rod set with a plastic cap imprinted with "Holt Carson, Inc.";
- 4) S 08 deg. 56' 09" W 155.18 ft. to a ½" iron rod set with a plastic cap imprinted with "Holt Carson, Inc." for the Southeast corner of this tract;

TRACT TWO – 0.540 ACRE

THENCE continuing across the interior of said Lot 2 with the South line of this tract, N 81 deg. 03' 51" W 30.00 ft. to a ½" iron rod set with a plastic cap imprinted with "Holt Carson, Inc." in the common line of Lot 2 and Lot 4, Block A, The Centrum, for the Southwest corner of this tract, and from which a ½" iron rod found for an angle corner in the common line of said Lot 1 and Lot 4 bears S 17 deg. 31' 12" W 112.65 ft.;

THENCE with the common line of said Lot 2 and Lot 4, Block A, The Centrum, the following three (3) courses;

- 1) N 08 deg. 56' 09" E 152.18 ft. to a chiseled X mark set in a concrete walkway;
- 2) N 02 deg. 28' 10" W 193.07 ft. to a ½" iron rod set with a plastic cap imprinted with "Holt Carson, Inc.";
- 3) N 15 deg. 17' 12" W 42.09 ft. to a ½" iron rod found for the Southwest corner of Lot 1 and the Northwest corner of Lot 2, of Block A, The Centrum;

THENCE with the common line of said Lot 1 and Lot 4, Block A, The Centrum, the following four (4) courses;

- 1) N 15 deg. 17' 12" W 164.22 ft. to a ½" iron rod found;
- 2) N 24 deg. 59' 59" W 174.61 ft. to a ½" iron rod found;
- 3) N 43 deg. 06' 53" W 42.87 ft. to a point;
- 4) N 40 deg. 50' 16" E 30.17 ft. to the **PLACE OF BEGINNING**, containing 0.540 acre of land.

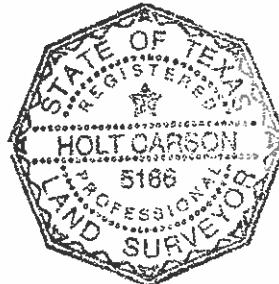
SURVEYED: March 24, 2011



Holt Carson

Registered Professional Land Surveyor No. 5166

see accompanying map: B 871020



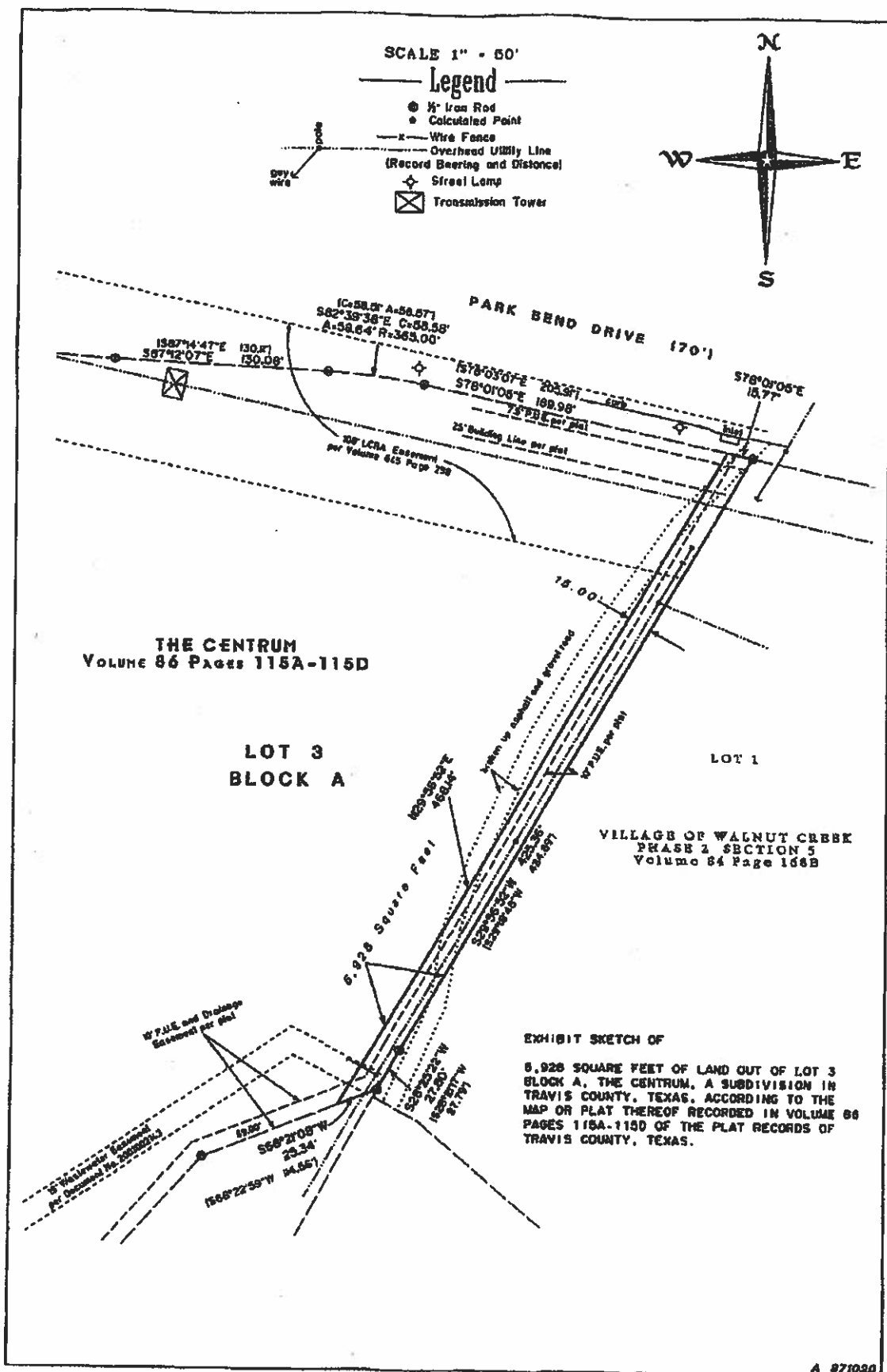


EXHIBIT C-3

Description of Recreational Easement Donation Tract

HOLT CARSON, INC.

PROFESSIONAL LAND SURVEYORS

1904 FORTVIEW ROAD

AUSTIN, TEXAS 78704

TELEPHONE: (512) 442-0990

FACSIMILE: (512) 442-1084

www.hciaustin.com

TRACT THREE

FIELD NOTE DESCRIPTION OF 0.159 ACRE OF LAND, BEING A PORTION OF LOT 3, BLOCK A, THE CENTRUM, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 86 PAGES 115A-115D OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron rod found in the South right-of-way line of Park Bend Drive for the Northeast corner of Lot 3, Block A, The Centrum, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 86 Pages 115A-115D of the Plat Records of Travis County, Texas, and for the Northwest corner of Lot 1, Village Of Walnut Creek Phase 2 Section 15, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 84 Page 168B of the Plat Records of Travis County, Texas, and being the Northeast corner and **PLACE OF BEGINNING** of the herein described tract;

THENCE leaving the South right-of-way line of Park Bend Drive with the common line of said Lot 3, Block A, The Centrum, and said Lot 1, Village Of Walnut Creek Phase 2 Section 15, the following two (2) courses;

- 1) S 29 deg. 56' 52" W 425.36 ft. to a ½" iron rod found;
- 2) S 28 deg. 25' 22" W 27.80 ft. to a ½" iron rod found for a Southeasterly angle corner of said Lot 3 and for a Northeasterly angle corner of Lot 4, of Block A, The Centrum, and being the Southeast corner of this tract;

THENCE with the common line of Lot 3 and Lot 4, Block A, The Centrum, S 68 deg. 21' 08" W 25.34 ft. to a ½" iron rod set with a plastic cap imprinted with "Holt Carson, Inc." for the Southwest corner of this tract, and from which a ½" iron rod found for an angle corner in the common line of said Lot 3 and Lot 4 bears S 68 deg. 21' 08" W 89.00 ft.;

end of Page 1

Page 2 of 2

TRACT THREE – 0.159 ACRE

THENCE crossing the interior of said Lot 3 with the West line of this tract, N 29 deg. 56' 52" E 468.14 ft. to a ½" iron rod set with a plastic cap imprinted with "Holt Carson, Inc." in the South right-of-way line of Park Bend Drive for the Northwest corner of this tract, and from which a ½" iron rod found for a point of curvature in the South right-of-way line of Park Bend Drive bears N 78 deg. 01' 05" W 189.98 ft.;

THENCE with the South right-of-way line of Park Bend Drive, S 78 deg. 01' 05" E 15.77 ft. to the **PLACE OF BEGINNING**, containing 0.159 acre of land.

SURVEYED: March 24, 2011



Holt Carson

Registered Professional Land Surveyor No. 5166

see accompanying map: B 871020

